S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5356/06
(Smt. Babli & Ors. Vs. State of Rajasthan)

DATE OF ORDER : 04/12/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. Mridul Jain, for the petitioners.
Mr. V.R.Mehta, Public Prosecutor for State.
Mr. P.R.Mehta for the complainant.

Heard learned counsel for the petitioners, Public Prosecutor for the State and the counsel appearing for the complainant. Perused the order impugned.

Keeping in view the allegations against the petitioners No. 2 and 3, I do not consider it a fit case to release the petitioners No. 2 and 3 on anticipatory bail. The bail application filed on behalf of petitioners No.2 Jaggu S/o Kuber Patidar and No.3 Girish S/o Narayan, under Section 438 Cr.P.C. is therefore, dismissed.

However, looking to the facts and circumstances of the case and the fact that petitioner No.1 Smt. Babli, who is said to be mother of the accused and at the time of Kidnapping the girl, was not at the place of occurrence, having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioner No.1 under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner No.1 u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Smt. Babli W/o Amarji Patidar in FIR No. 255/2006 P.S. Ghadi, district Banswara, she shall be released on bail for a period till the police concludes the investigation and files the challan provided she furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to

surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That she shall make herself available for interrogation by a police officer as and when required;

(ii)That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That she shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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